

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shigeki NOMURA et al. **Confirmation No.: 6422**

Serial No : 10/540,564 Group Art Unit: 1745  
(National Stage of PCT/JP2004/001179) Examiner: Phoebe D. RINER

Filed : June 24, 2005 (I.A. Filed: February 5, 2004)

For : PROTON CONDUCTING MEMBRANE, METHOD FOR  
PRODUCING THE SAME AND FUEL CELL USING THE SAME

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner of Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This is in response to the Notice of Non-Compliant Amendment dated August 6, 2008. Applicants respectfully submit that an electronic delivery of the Notice did not occur until October 1, 2008. Applicants respectfully direct the Examiner's attention to PAIR evidencing that an Email Notification to Applicants in connection with the Notice was made on October 1, 2008.

Inasmuch as Applicants were notified on October 1, 2008 and the Notice sets a one-month period for reply, Applicants respectfully request that the Office considers the date of October 1, 2008 as the mailing date. Accordingly, Applicants believe that no extension of time is necessary. However, should an extension of time be deemed necessary the same is hereby expressly requested and the undersigned authorizes the

Office to charge Deposit Account 89-0019 any requisite extension of time fee or any other necessary fee to maintain the pendency of the application.

Further to the Preliminary Amendment filed June 24, 2004 and prior to examination of the above-identified patent application on the merits, the Examiner is respectfully requested to amend the application as follows.

**Amendments to the Specification** begin on page 3 of this paper.